

AMENDMENT UNDER 37 C.F.R. § 1.116
Application No.: 09/635,141
Atty Docket No.: Q60353

REMARKS

The Office Action of December 17, 2004 has been received and its contents carefully considered.

Claims 6 to 8, 10 to 18, 28 to 31 and 48 are all the claims pending in the application, prior to the present amendment.

The Examiner states that a copy of an Information Disclosure Statement Form PTO 1449 is attached to the Office Action. However, the copy of the Office Action sent to applicants did not contain any such attachment. Accordingly, applicants request the Examiner to send applicants a copy of the attachment.

The Examiner has withdrawn all of the previous rejections, but now sets forth two new rejections.

Claims 6 - 8, 12, 28 - 31 and 48 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,180,751 to Park et al in view of DE 2,532,406.

Applicants submit that Park et al and DE '406 do not disclose or render obvious the subject matter of claims 6 to 8, 12, 28 to 31 and 48 as set forth in the present claims and, accordingly, request withdrawal of this rejection.

Applicants have amended independent claim 6 to recite a laminating step comprising laminating and adhering of a multilayer foamed sheet that is produced to itself, or laminating and adhering of produced multilayer foamed sheets to themselves.

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In addition, applicants have amended independent claim 12 to recite that the gas barrier resin sheet is supplied to between the two multilayer polyolefin foamed sheets, and laminated and adhered therewith to form the gas barrier resin layer in the laminating step.

Support for the terms “adhered” and “adhering” can be found in the present application at page 46, lines 12, 21 and 22, and page 69, line 12.

Claim 6 thus states that the laminating is a laminating and adhering of a multilayer foamed sheet that is produced to itself, or a laminating and adhering of produced multilayer foamed sheets to themselves.

Applicants submit that Park et al and DE ‘406 do not disclose or suggest such a laminating and adhering step.

With respect to claim 12, this claim is directed to a process of laminating and adhering two multilayer polyolefin foamed sheets with a gas barrier resin sheet. Such a process is not disclosed or suggested by Park et al or DE ‘406.

A key point of the reasons for the rejection of these claims seems to be the interpretation of the disclosure of DE ‘406.

The Examiner states that “DE 2,532,406 teaches that sheets of foam may be folded and bonded to each other in order to form laminated foams.”

On page 3, lines 14-15 of the Office Action, the Examiner states: “However, laminating is defined as making by bonding several layers. Therefore, the step of folding and bonding disclosed in GB ‘406 [DE ‘406] is a laminating step.”

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Applicants submit that even if the operation of “folding and bonding” is equivalent to “laminating,” DE ‘406 does not teach “adhering”.

The Examiner refers to col. 1, lines 32-36 of GB ‘369, which corresponds to DE ‘406. Applicants direct the Examiner’s attention to col. 1, lines 36-40 of GB ‘369 which reads: “The hollow cross-section thus formed is then fixed. Unfortunately, the tubes produced in this way do not have a round cross-section, but instead an oval cross-section”.

Applicants submit that this disclosure does not teach “adhering”.

Further, applicants have acknowledged that GB ‘369 discloses a bending and folding of strips in a prior art method at column 1, lines 32 to 36. The sheets in GB ‘369, however, were not multilayer. The Examiner has not set forth any comments on applicants’ argument that GB ‘369 employs single layer sheets.

In view of the above, applicants submit that claims 6 to 8, 12, 28 to 31 and 48 are patentable over Park et al and DE ‘406 and, accordingly, request withdrawal of this rejection.

Claims 10, 11 and 13 - 18 have been rejected under 35 U.S.C. § 103(a) as obvious over Park et al in view of DE ‘406, and further in view of U.S. Patent No. 5,000,992 to Kelch.

Applicants submit that Park et al, DE ‘406 and Kelch do not disclose or render obvious the subject matter of claims 10, 11 and 13 to 18 and, accordingly, request withdrawal of this rejection.

Applicants have amended claims 10, 11 and 13 to 18 to recite that the gas barrier resin sheet is laminated and adhered with a multilayer polyolefin foamed sheet. Support for the term “adhered” was set forth above.

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As discussed above, a key point of the reasons for the rejection of these claims seems to be the interpretation of the disclosure of DE 2,532,406.

As discussed above, the Examiner states “DE 2,532,406 teaches that sheets of foam may be folded and bonded to each other in order to form laminated foams.”

On page 3, lines 14-15 of the Office Action, the Examiner states “However, laminating is defined as making by bonding several layers. Therefore, the step of folding and bonding disclosed in GB ‘406 [DE ‘406] is a laminating step.”

Applicants submit that even if the operation “folding and bonding” is equivalent to “laminating”, DE ‘406 does not teach “adhereing”.

The Examiner refers to col. 1, lines 32-36 of GB ‘369, which corresponds to DE ‘406. Applicants direct the Examiner’s attention to col. 1, lines 36-40 of GB ‘369 which reads: “The hollow cross-section thus formed is then fixed. Unfortunately, the tubes produced in this way do not have a round cross-section, but instead an oval cross-section”.

Applicants submit that this disclosure does not teach “adhering”.

Further, claims 10, 11 and 13 to 18 are directed to a method comprising a step of laminating and adhering a gas barrier sheet with two co-extruded foamed resin sheets. Neither Park et al, nor DE ‘406, nor Kelch disclose or suggest such a feature.

Further, Kelch discloses at column 4, lines 44 - 61, that the multi-layered foam film may be laminated to aluminum foil, polyester film and/or thermoplastic adhesive film, and then thermally sealed to the mouth of a liquid containing plastic bottle. Kelch states that in this alternate form, the preferred configuration is a multi-layered foamed film having a polyester film

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and a metallic foil joined to one surface of the multi-layered foam film with a thermoplastic or thermosetting adhesive and, most preferably, also having a polyester film joined to the other surface with a similar adhesive. Kelch further discloses that the metallic foil, which is preferably an aluminum foil, may have a Surlyn overcoat for protection purposes.

Kelch, however, does not disclose two multilayer polyolefin foamed sheets, or the incising at two points.

In view of the above, applicants submit that claims 10, 11 and 13 to 18 are patentable over Park et al, DE '406 and Kelch and, accordingly, request withdrawal of this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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